



EJ Quarterly

An Environmental Justice Bulletin

Welcome to the inaugural issue of the EJ Quarterly bulletin. The EJ Quarterly is a free publication available by mailing list. This bulletin will serve as a means of communication for EPA and as a source of information for all environmental justice stakeholders.

From the Acting Director, Office of Environmental Justice, EPA
Robert Knox

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What is Environmental Justice?

Environmental Justice (EJ) is defined as the fair treatment of people of all races, incomes, and cultures with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group should shoulder a disproportionate share of negative environmental impacts resulting from the execution of environmental programs.

Why is this a problem?

Communities sometimes lack political clout, economic means, or awareness of rights and opportunities to participate in environmental decision making. The EJ movement began in community activism before the program was recognized by the federal government.

In 1982, in Warren County, N.C., the EJ movement grew out of a grassroots protest against the siting of a PCB landfill in a predominantly African-American community. This protest led to an investigation by the General Accounting Office, concluding that there was a correlation between the siting of hazardous waste landfills and race in the host communities. Several other studies followed.

These eventually lead to the formation of the Office of Environmental Equity at EPA headquarters in 1992. On February 11, 1994, President Clinton signed an "Executive Order #12898 on Federal Actions to Address Environmental Justice in Minority and Low Income Populations". In September 1993, the National Environmental Justice Advisory Council, an interagency working group, was formed. (see below)

UPCOMING NEJAC MEETING IN OAKLAND, CA

The next meeting of the full National Environmental Justice Advisory Council (NEJAC) will be held May 31 - June 3, 1998 at the Oakland Marriott City Center, 1001 Broadway, Oakland, CA 94607. The NEJAC was established to ensure that the U.S. Environmental Protection Agency (EPA) receives the viewpoints of affected stakeholders on issues related to environmental justice. The NEJAC consists of 25 members representing environmental justice groups; industry; and state, local and tribal governments and both government and non-government organizations. It has six subcommittees that focus on issues related to enforcement, health and research, indigenous peoples, international issues, public participation and accountability, and waste and facility siting. In addition to the 25 NEJAC members, each of whom sits

on a subcommittee, 39 individuals serve as members of various subcommittees.

NEJAC members have been invited by the local community for a Sunday afternoon site tour in the Oakland area on May 31. The NEJAC will convene later on Sunday evening from 6:00 p.m. to 9:00 p.m. for a local community Public Comment period. The Executive Council of NEJAC will convene on Monday, June 1 from 9:00 a.m. to 5:30 p.m. with a Public Comment period from 6:00 p.m. to 9:00 p.m. and again on Wednesday, June 3 from 9:00 a.m. to 6:00 p.m. The Subcommittees of NEJAC will meet on Tuesday, June 2 from 9:00 a.m. to 6:30 p.m. You must pre-register to attend the meeting.

NEJAC AND ENFORCEMENT ROUNDTABLE MEETINGS HELD IN NORTH CAROLINA

NEJAC Meeting

The bi-annual meeting of the National Environmental Justice Advisory Council (NEJAC) was held in Durham, North Carolina, December 8 through 10, 1997. One of the highlights of the NEJAC meetings is a site tour, which may show the disproportionate burden of pollution to environmental justice communities. This site tour was to the Eufaula Street County Landfill in Fayetteville, which is less than 500 feet from residences. EPA Deputy Administrator Fred Hansen, at the closing plenary session, stated that this site continues to be an Agency concern. In that session, Mr Hansen, Sylvia Lowrance (OECA) and the NEJAC addressed several issues facing EPA in implementing the President's Executive Order. Mr Hansen promised more resources for environmental justice programs and projects, workforce diversity, Title VI guidance and management accountability. He also announced that the President's White House Summit meeting on Environmental Justice was scheduled to coincide with the anniversary of the signing of the Executive Order on Environmental Justice.

The NEJAC Enforcement Subcommittee Meeting was held on Tuesday, December 9. The Subcommittee received briefings on: Performance Partnership Agreements (PPA/PPG) presentation by Tom Nessmith, Region IV; Animal Feeding Operations in EJ Communities, by Rick Colbert, OECA/OC; Title VI updates by Bill Earley, ORC-Region III; EJ in Criminal Investigations by James Thompson, Region III; Imminent & Substantial Endangerment, Ann Bailey, OECA/ORE; RCRA Public Participation, OSRE & OSW; Air Emissions Trading, Robert Brenner, OAR. OSRE and OSW staff will follow up with members of the Enforcement Subcommittee to receive input regarding public participation in RCRA Corrective Action guidance. The Enforcement Subcommittee drafted three resolutions to the full NEJAC addressing areas of concern regarding EPA programs. The first resolution, EPA's Enforcement of Title VI was approved by the full NEJAC and will be submitted to Administrator Browner. The two remaining resolutions, Air Pollution Trading-EJ Impacts of Particulate Matter Spatial Averaging and Air Pollution Trading-Disproportionate Impacts of Pollution Trading are awaiting approval from full NEJAC.

Enforcement Roundtable

In conjunction with the NEJAC meeting, the second Annual Environmental Justice Enforcement Roundtable, jointly sponsored by the NEJAC Enforcement Subcommittee and EPA, was held at North Carolina Central University, December 11 through 13, 1997 in Durham, NC.

The roundtable was hosted by the North Carolina Department of Environment and Natural Resources in partnership with several community based grassroots organizations and the University.

The Agency is using roundtables sessions as an effective conduit through which stakeholders have an opportunity to interact with EPA and state and municipal environmental regulatory and enforcement agencies. Through these efforts, governmental officials have an opportunity to hear first hand from those who live on or in close proximity to environmental justice sites. The Enforcement Roundtable began with an Enforcement Awareness Forum moderated by Arthur Ray, Chair of the NEJAC Enforcement Subcommittee and a panel discussion offering state, federal and community perspectives on what is environmental enforcement. Specific issues addressed were the relationship between federal, state and tribal enforcement agencies, definition and explanation of enforcement authority and areas where the public can provide input into environmental protection. Facilitated breakout sessions provided an opportunity for open dialogue with community leaders on various topics ranging from community notification by state and federal agencies to inspection and screening of facilities and noncompliance issues.

**OEJ HOME PAGE
is available on the
Internet
accessible
through the EPA
Home Page at
[http://es.epa.gov/
oeca](http://es.epa.gov/oeca)**

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**For additional information, such
as copies of resolutions or
minutes of the NEJAC and
Roundtable meetings, please
contact:**

**Marva King, (202) 564-2599 or
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for Roundtable Information**

PESTICIDE MISUSE: A THREAT TO COMMUNITIES

Few like cockroaches, but cockroaches like people. Or, rather, they like to live where people are, because we often unwittingly provide their basic requirements while fulfilling our own needs for food, shelter, and water. Their hatred of cockroaches and other pests has driven some people to use dangerous pesticides in an illegal manner.

In 1994, the Environmental Protection Agency learned that some homes had been sprayed with methyl parathion to control cockroaches. Methyl parathion is a highly toxic, outdoor agricultural pesticide permitted for use on cotton and other crops. After cleaning up homes that had a high level of the chemical and arresting the person who had done the spraying, it appeared that there was no further problem—that this had been an isolated incident. However, two years later, more incidents of illegal use of methyl parathion were discovered. In addition, EPA learned of the illegal use of other pesticides, such as aldicarb to kill rats, and realized that misuse of pesticides in and around homes may be a growing problem that could significantly endanger the health of children and others who might be exposed.

It is clear that there are unscrupulous or ill-informed individuals at work in many communities, often taking advantage of residents who want to control pests and want something inexpensive and effective to do the job. The customers of these often unlicensed pest control services may not understand that they are risking their health and others' by using agricultural chemicals indoors. For example, methyl parathion breaks down quickly outdoors, in the rain and sun. **Indoors, it can remain toxic for months or years.** Illegal users generally don't warn the customer of the hazards of the product.

You Can Help Your Community

EPA needs your help to inform communities of the dangers posed by misuse of pesticides. There are safe, effective, often inexpensive methods of controlling pests. However, the message may not be getting to the people who have serious problems. In addition, people need to know that they can be harmed by improper use of pesticides. Pesticide poisoning is often mistaken for other illnesses, such as flu, when an individual consults a doctor. The doctor may not ask about chemical exposures, and patients generally do not volunteer that they just had their house sprayed.

Preventing the Pest Problem

How can people safely solve their pest control problems? You must ask questions. Learning about the options available to control specific pests is the first step. In most cases, there are several things

people should do before even thinking about chemical pest control. Most pests need food, water, and shelter. Often, the problem may be solved just by removing these key items. Some of the recommended ways of reducing or preventing pest invasions:

- Fix leaky plumbing and look for other sources of water, such as trays under house plants.
- Make sure food and food scraps are tightly sealed and garbage is regularly removed from the home; don't leave pet food and water out overnight.
- Close off entryways and hiding places (caulking cracks and crevices around cabinets or baseboards, for example).

Once these and other steps are completed (see the listed publications for more ideas), traps or bait stations can be used against some pests. These are often effective with low risk, as long as they are kept out of the reach of children and pets. Other relatively low risk products are available for some pests, such as those containing boric acid for cockroaches.

Pesticide Safety Tips

All pesticides must be registered by EPA and have specific directions and precautions for safe use on the label.

- Read the label and follow the directions exactly.
- Don't use more than the amount recommended, and if mixing is required, never use spoons or containers that are used in the kitchen.
- Only mix the amount that will be used immediately; don't mix extra to use another time.
- It is particularly important to keep pesticides in their original container; many poisonings result from pesticides being stored in food or beverage containers.
- Always store pesticide containers so children and pets cannot reach them.

Hiring a Pest Control Operator

Before hiring someone to treat a home, it is important to ensure that the applicator is licensed and that the company is reputable. The company should be willing and able to discuss the proposed treatment (e.g., the active ingredients in the pesticide, pests to be controlled, non-chemical alternatives, health risks, ways to reduce exposure, etc.). Other things to consider include whether the company carries insurance and is affiliated with a professional pest control association.

Sources of Information

Independent sources of advice and information are available. The Cooperative Extension Service (in local telephone book government pages) often will list pest control experts. The National Pesticide

" It is clear that there are unscrupulous or ill-informed individuals at work in many communities, often taking advantage of residents who want to control pests and want something inexpensive and effective to do the job."

Pesticide Misuse: A Threat to Communities

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Telecommunications Network (800-858-7378), partly funded by a grant from EPA, has experts on staff who can answer questions about pesticide products and recognition and management of pesticide poisoning. Your local poison control center and local health department can be resources for pesticide toxicity information. EPA regional offices are another source of information:

Region 1 (Boston)—617-565-3225
Region 2 (New York)—908-321-6765
Region 3 (Philadelphia)—215-566-2099
Region 4 (Atlanta)—414-562-8956
Region 5 (Chicago)—312-886-7435
Region 6 (Dallas)—214-665-7240
Region 7 (Kansas City)—913-551-7033
Region 8 (Denver)—303-312-6582
Region 9 (San Francisco)—415-744-1114
Region 10 (Seattle)—206-553-1173

EPA has several publications that provide more detail on the areas discussed briefly above. You can order copies of these to use in educating your community about pest prevention and safe pesticide practices, as well as alternatives to chemical pest control and ways to recognize and manage pesticide poisoning.

- Citizen's Guide to Pest Control and Pesticide Safety, EPA 730-K-95-001, September 1995
- Healthy Lawn, Healthy Environment, Caring for Your Lawn in an Environmentally Friendly Way, 700-K-92-005, June 1992
- Pest Control in the School Environment: Adopting Integrated Pest Management, EPA 735-F-93-012, August 1993
- Recognition and Management of Pesticide Poisonings, EPA 540/9-88-001, March 1989 (being revised)

HELP! Us get the word out. The EPA Office of Pesticide Programs is making additional education materials available as part of the effort to reduce pesticide misuse and promote safety. If you would like information on this issue or to receive copies of these publications or other materials as they are developed, contact us at EPA, Office of Pesticide Programs, 401 M St., S.W., (7506C), Washington, DC 20460 or call 703-305-5017. Information also is available on the World-Wide Web at <http://www.epa.gov/pesticides/>.

Community Partnering for Environmental Results

The US EPA initiated a project to design and develop a learning system to teach key skills in the areas of community partnering and outreach. EPA has partnered with the Institute for the Learning Sciences at Northwestern University to design computer-based simulations, combining multimedia information technology, research on artificial intelligence and current research on adult learning. These new tools will expand EPA's training capacity for community based environmental work with our state, local and tribal partners.

The purpose of the community interaction learning project is to capture the knowledge and skills of experienced EPA employees and transfer this knowledge through simulated real life scenarios. The application will be available to the Agency's federal, state, local and tribal partners in the environmental community.

The system is being developed through a cooperative agreement with the Institute for the Learning Sciences at Northwestern University, under the direction of Dr. Roger Schank. Support for the project and collaboration is coming through partnerships with Agency program and regional offices, including financial commitments, subject matter expertise, and technical support for implementation.

The EPA project was launched using prior research conducted for the Office of Naval Research. The Northwestern team, in building the EPA application, is transferring the Department of Defense's state-of-the-art learning technology to a civilian application serving EPA, DOD, and the national environmental community.

For further information contact
Anna Doroshaw (EPA) 202-564-0144
doroshaw.anna@epamail.epa.gov

TRIBAL PROGRAM ACTIVITIES UPDATE

For more information on these and other tribal enforcement and compliance issues, contact Ruth Miller, OECA's Acting Tribal Coordinator at 202-564-4299 (phone) or Milller.Ruth@epamail.epa.gov

AGENCY OUTREACH

Indigenous Peoples Subcommittee of NEJAC - The NEJAC Indigenous Peoples Subcommittee is supported by OEJ in coordination with the American Indian Environmental Office. This Subcommittee, in cooperation with the other six subcommittees including the Enforcement Subcommittee, provides a forum for representatives of indigenous communities to bring their environmental justice concerns to the attention of the NEJAC and ultimately, the EPA. The Subcommittee focuses on EPA-backed legislation, guidance, protocol, enforcement, etc. to ensure EJ issues are addressed in a manner that fulfills the government's trust responsibility, respect for tribal sovereignty and the government-to-government relationship, upholds treaties, and promotes self-determination. The Subcommittee has addressed concerns such as the siting of nuclear waste facilities, expansion of highways in sacred sites, use of leach mining, clean-up targets at Superfund sites, as well as limited technical and financial support for tribal environmental programs, to name a few. Contact: Danny Gogal 202-564-2576.

Working Group on Interagency American Indian Telecommunications (IAIT) - OEJ established the IAIT Working Group in January of 1997 in response to the growing need for tribal access to the government's electronic data and information. The mission of the Working Group is to discuss, plan, and coordinate the programs and activities of federal agencies that involve tribal governments, communities, and organizations in efforts to enhance telecommunications in Indian Country. The objectives are to 1) provide a forum for federal agencies to share information regarding their telecommunications plans, projects and activities in Indian Country, 2) support and facilitate coordination among federal agencies and encourage more effective and efficient use of federal resources in strengthening telecommunications in Indian Country, 3) seek input and guidance from tribal government officials, communities, and organizations

regarding the nature and extent of the programs and activities of federal agencies on telecommunications in Indian Country, and 4) communicate information about federally-sponsored telecommunications activities and projects in Indian Country to all interested parties, particularly tribal governments and all interested federal agencies. The IAIT meets on a quarterly basis and has representation from eleven federal agencies. Contact: Danny Gogal, 202-564-257

RESOURCES

Regional Funding - The Office of Compliance (OC) provides each Region with Federally-recognized tribes a share of the \$1.2 million available for activities related to municipal solid waste landfills (RCRA Subtitle D). Using guidance prepared by the Office of Compliance, the Regional Solid Waste Indian Coordinators may provide the funds directly to tribal governments or use the money to support EPA programs that support tribal municipal solid waste activities. In the past, the Regions have used the money to assist the Indian Health Services close open dumps (landfills that are not in compliance with 40 CFR, Subparts 257 and 258), develop tribal educational programs on waste reduction and recycling, and sponsor solid waste "Circuit Riders" that provide hands-on technical assistance and training to tribes on solid waste management issues. Contact: Carolyn Young 202-564-7062.

Tribal Grants - OECA provides FIFRA and TSCA cooperative agreement enforcement funding to States/Tribes to carry out enforcement of the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The amount of funds that OECA allocated for tribal pesticide grants in FY 1997 was \$939,800. For toxics grants the figure was \$100,000. Both grants are for compliance assistance, monitoring, and enforcement activities. The FY 1998/1999 OECA MOA Consolidated Technical Guidance contains national priorities along with specific guidance for development of cooperative agreement work plans for pesticides and toxics compliance/enforcement activities for FY 1998/1999. This document will assist Regions and applicants in negotiating cooperative

A web site has been developed to communicate information and data on OECA's Tribal Program to EPA staff, tribes and others. Information distributed from the site include a list of EPA and tribal contacts, OECA's various regulations and statutes, policies and guidance, as well as a summary of OECA Tribal Program activities and contacts. The address is <http://es.epa.gov/oeca/tribal/index.html>. Contact: Ruth Miller, 202-564-4299.

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AWARDS

Congratulations to:

- Althea Moses of Region VII who received a citation for exceptional devotion and success in implementing environmental justice in Agency and community activities.

- Region V received a Bronze Medal for developing Interim Guidelines for Identifying and Addressing Potential EJ Cases

-Region VIII received a Gold Medal for outstanding contributions to the development and implementation of the national environmental program and service to low-income and minority communities..

agreements that address national priorities for each applicant, as well as specific Regional and State/Tribal priorities. Tribes interested in cooperative agreement with EPA under FIFRA or TSCA, which would include a grant in aid, should either obtain a copy of the Catalog of Federal Domestic Assistance from the General Services Administration, or contact the EPA Regional pesticides and toxics office. Contact: Jack Neylan, 202-564-5033.

The Office of Environmental Justice (OEJ) has a grants programs which is available to tribes, the **Environmental Justice (EJ) Small Grants Program**. It also is considering a new grants program for FY 98, the State and Tribal Environmental Justice (STEJ) Grants Program. OEJ created the Small Grants Program in 1994 to assist the community-based/grassroots organizations and tribal governments working on local solutions to local environmental problems. The Small Grants Program averages an annual budget of \$2.5 million, with awards up to \$20,000. Of the number of grants awarded under this program, approximately 20% of the recipients have been tribal governments or tribal organizations. The new State and Tribal Environmental Justice (STEJ) Grants Program is planning to be offered in FY 98 to provide financial assistance to state and tribal environmental departments that are working to address environmental justice issues. With the increased interest in Title VI of the Civil Rights Act of 1964 EPA is seeking through this grants program, to support State and Tribal efforts to effectively implement Title VI and/or establish environmental justice programs. The Agency plans to budget \$500,000 for this new program with the intention of awarding a total of (5) \$100,000 grants. Contact: Danny Gogal, 202-564-2576.

POLICIES

Tribal Enforcement Guidance- A draft guidance has been developed by the Indian Legal Workgroup, the American Indian Environmental Office and the TCC to clarify enforcement principles outlined in EPA's 1984 Indian Policy. Comments on the latest draft have been received and will be incorporated into the final version which should be completed during FY98.

Contacts: Cris McCullough, 202-564-4008 and Ruth Miller, 202-564-4299.

TRIBAL DATA MANAGEMENT AND ANALYSIS

American Indian Lands Environmental Support Project- The AILESP is a project designed to integrate and assess current multi-media point-source releases and potential impacts of contaminants, and recent compliance and enforcement histories for facilities located on and near (within 5 km) Indian lands. Nine regions and five tribes (Regis Mohawk, Red Lake, San Carlos Apache, Omaha, and Penobscot) are currently participating in the project. The draft AILESP database, GIS project, and user's guide are now being distributed via the internet (<http://es.inel.gov/oeca/ailesp>) to pilot EPA regions and tribes for review and comment. Contact: Ruth Miller 202-564-4299.

Annual Compliance Report on Native American Public Water Systems - The Office of Compliance is responsible for preparing and distributing to the public an annual compliance report on Native American Public Water Systems. (Section 1414(c)(3)(B) of the Safe Drinking Water Act). The report describes compliance, enforcement, and financial assistance pertaining to public water systems located on Indian Reservations. The Office of Compliance formed an interagency workgroup to examine data from the SDWIS/FED database and other databases, other reports generated, information from workgroup participants and issues raised concerning compliance of public water systems on Indian Lands. The workgroup will provide recommendations and a report that will link with an overall national compliance report. In addition, a series of stakeholder meetings and telephone calls will be set up to address concerns of other interested parties. To date, two workgroup meetings have been convened and two stakeholder meetings with Native American environmental professionals and public water system operators have been held. These meetings have been useful in developing a basic approach to gathering data on violations, illuminating important issues, and developing areas of environmental management that need attention, both within EPA and for Indian Tribes. Contact: Melanie LaForce, 202-564-7068.

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING AGENDA
OAKLAND MARRIOTT CITY CENTER**

May 31 through June 3, 1998

SUNDAY, MAY 31, 1998

12:00 p.m. Site Tour Begins (Instructions for boarding site tour bus will be posted in Hotel)

4:30 p.m. NEJAC Site Tour Concludes with a Poster Session Exhibit

5:45 p.m. NEJAC Meeting Convenes for Public Comment Period

6:00 p.m. 1st Public Comment Period Begins

9:00 p.m. NEJAC Adjourns for the Evening

MONDAY, JUNE 1, 1998

8:30 a.m. NEJAC Meeting Convenes

Welcome - Haywood Turrentine, Chair of NEJAC

9:00 a.m. Opening Remarks

— Sylvia K. Lowrance, Principal Deputy Administrator, EPA, OECA

— Felicia Marcus, Regional Administrator

10:45 a.m. Opening Remarks (cont.)

— Lois J. Schiffer, Department Of Justice, Assistant Attorney General, Environmental and Natural Resources Division

Update on EJ Initiatives

— Bradley Campbell, CEQ

1:30 p.m. 2nd Public Comment period begins (non local area participants encouraged)

4:30 p.m. 2nd Public Comment period ends

5:45 p.m. NEJAC General Session Reconvenes

6:00 p.m. 3rd Public Comment Period Begins (local area participants encouraged)

9:00 p.m. NEJAC Adjourns for the Evening

TUESDAY, JUNE 2, 1998

9:00 a.m. NEJAC Subcommittee Meetings Convene

6:30 p.m. NEJAC Subcommittees Adjourn

WEDNESDAY, JUNE 3, 1998

9:00 a.m. NEJAC General Session Reconvenes

EPA Speakers

— Steven Herman, AA, OECA

— Robert Brenner, OAR

— Dana Minerva, OW

— Ann Goode, OCR

— Lynn Goldman, OPPTS

10:45 a.m. Old Business

12:00 Lunch Break

1:30 p.m. Business Requiring Executive Council Action

— Subcommittees' reports, findings and recommendations

— Council resolutions

3:15 p.m. Business Requiring Executive Council Action continued

4:30 p.m. New Business

6:00 p.m. NEJAC Meeting Adjourns

THURSDAY, JUNE 4, 1998

8:30 - 5:00 EJ COORDINATORS MEETING

FRIDAY, JUNE 5, 1998

8:30 - 12:00 EJ COORDINATORS MEETING

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING

Oakland, CA.

FREE REGISTRATION!

You can register for the May 31 - June 3, 1998 NEJAC meeting by contacting the NEJAC Registration Hotline at the number below or through the NEJAC World Wide Web homepage at: **<http://www.ttemi.com/nejac>**. Individuals who require special arrangements can contact the **NEJAC Registration Hotline** at:

Telephone: (888) 335-4299 (toll-free)
Fax: (703) 287-8843
Internet E-mail: nejac@ttemi.com

“Tetra Tech and the Oakland Marriott City Center are in compliance with the Americans with Disabilities Act (ADA). If auxiliary aids are needed, please specify and notify Tetra Tech’s Conference Coordinator in writing.”



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